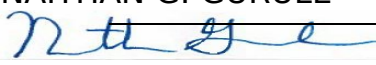
	<b>LOS LUNAS POLICE DEPARTMENT</b>		
	OPERATIONS	NUMBER: OPR.07.01	EFFECTIVE DATE: June 01, 2010
	SUBJECT: Traffic		REVIEW DATE: February 10, 2017
	AMENDS/ SUPERSEDES:	NMSA:	
NMMLEPSC STANDARDS: OPR.07.01-OPR.07.16		APPROVED BY CHIEF OF POLICE NAITHAN G. GURULE  Signature	

## I. STATEMENT OF PURPOSE

In order to ensure that traffic law enforcement actions are in accordance with applicable laws and that they take into account the degree and severity of the violation, guidelines have been established to govern enforcement activities. The primary objective of traffic law enforcement is the promotion of traffic safety. All officers are expected to have a working knowledge of traffic laws and their proper application. All officers share the responsibility of traffic law enforcement.

A fundamental right guaranteed by the Constitution of the United States to all who live in this nation is equal protection under the law. Along with this right to equal protection is the fundamental right to be free from unreasonable searches and seizures by government agents. Citizens are free to walk and drive our streets, highways and other public places without police interference so long as they obey the law. They also are entitled to be free from crime, free from the depredations of criminals and to drive and walk our public ways safe from the actions of reckless and careless drivers.

The Los Lunas Police Department is charged with protecting these rights for all regardless of; race, color, ethnicity, sex, sexual orientation, physical handicap, religion or other belief system. Because of the nature of law enforcement, officers are required to be observant, to identify unusual occurrences and law violations and to act upon them. It is this proactive enforcement that keeps our citizens free from crime, our streets and highways safe to drive upon and that detects and apprehends criminals.

The purpose of this policy is to unequivocally state that racial and ethnic profiling in law enforcement is totally unacceptable, to provide

guidelines for officers to prevent such occurrences and to protect our officers when they act within the dictates of the law and policy from unwarranted accusations.

This policy is intended to assist officers in accomplishing this total mission in a way that respects the dignity of all persons and yet sends a strong deterrent message to actual and potential lawbreakers that if they break the law, they are likely to encounter the police. It is the policy of this department to patrol in a proactive manner, to aggressively investigate suspicious persons and circumstances and to actively enforce the motor vehicle laws, while insisting that citizens will only be stopped or detained when there exists reasonable suspicion to believe they have committed, are committing, or about to commit, an infraction of the law.

## **II. STATEMENT OF PURPOSE**

It is the intended purpose of the Department to insure compliance with regulations set forth by the New Mexico traffic code. The directives in this order are intended to provide guidance in achieving these objectives.

## **III. GENERAL POLICY**

- A. As a general rule, the first responding officer should take charge of the scene until relieved of such duties.
- B. Officers responding to the scene of a reported crash have the following responsibilities:
  - 1. Determine the need, if any, for EMS response;
  - 2. Identify potential or actual fire hazards or dangerous conditions so that appropriate action can be taken;
  - 3. Determine the need for additional assistance;
  - 4. Protect the scene;
  - 5. Establish safe movement of traffic around the crash scene.
  - 6. Collect the necessary information to complete a thorough investigation and file a report.
- C. It is the intent of the Department to expedite the removal of debris and vehicles from the roadway. A towed vehicle report will

be completed and the vehicle removed as soon as practical. While, under normal circumstances, a diagram of the crash scene is standard procedure for crashes involving injury and or property damage over \$500. Exigent circumstances may require the involved vehicle be moved without completion of a diagram. If this occurs, such action should be documented in the narrative of the report. Exigent circumstances may include, but not be limited to:

1. Severe weather, or
  2. When public safety outweighs the need for a diagram.
  3. If the crash does not involve injury, the officer may elect to record measurements in the narrative section of their report in lieu of a diagram.
- D. If fire and/or hazardous materials are discovered to play an important role which could hamper the investigation, the policy covering hazardous material response will be followed. The crash investigation will become a secondary issue.

#### **IV. CRASH REPORTS**

- A. The Los Lunas Police Department utilizes the Uniform Traffic Crash report form to document all motor vehicle crashes that occur within the Village limits of Los Lunas.
- B. Officers are required to locate witnesses and record their statements on one or all of the above crash reports. Officers are also required to obtain driver statements and record their statements on one or all of the above crash reports.
- C. Items such as purses, wallets, jewelry, firearms and large sums of cash, shall be removed and placed into evidence for safe keeping (in accordance with the evidence policy) unless otherwise directed by a shift supervisor. If large sums of money are removed from the vehicle the two person rule will be in effect. The officer will attempt to have all personal property delivered back to the owner in a timely manner. If the officer has trouble contacting the owner the officer can request assistance from the evidence custodian.
- D. Vehicles which are disabled due to the traffic crash will be towed as authorized by the officer, the driver or registered owner. If authorized by the officer a completed towed vehicle report will be attached to the crash report and a copy will be given to the

towing service.

- E. When an officer responds to a crash and both drivers decide to handle it between themselves, the responding officer(s) **MUST** identify the drivers and verify all vehicle information is current and correct. During this contact the officer(s) should be cognizant of any signs of suspicious behavior or signs of impairment and if observed take appropriate action (Revised 02-14-2012).

## **V. CRASHES INVOLVING DAMAGE OVER \$500.00 OR INJURY**

- A. Upon arriving at the scene of a crash if the investigating officer determines that the damage to the vehicles is over \$500.00 or an injury is reported, a State Crash Report will be completed.
- B. If both vehicles are still in their final resting positions upon officer(s) arrival, measurements of the crash scene should be taken and included in the crash report narrative. A diagram will be completed for all injury crashes and/or court cases. Exigent circumstances may require the involved vehicle be moved without completion of a diagram. If this occurs, such action should be documented in the narrative of the report.
  - 1. Included in this diagram will be:
    - a. The final resting positions of the vehicle(s) involved;
    - b. Any fixed objects involved in the crash;
    - c. Final resting positions of any pedestrians or bicyclists Involved;
    - d. Any other vehicles or fixed objects that might have Contributed to the crash;
    - e. Any physical evidence left on the roadway (skid marks, Gouges, scratches, yaws, debris, etc.); and
    - f. Anything that might assist in a thorough and complete investigation of the crash.

## **VI. CRASHES INVOLVING UNINSURED MOTORISTS**

- A. If, during your investigation, you determine that an involved vehicle does not have proof of liability insurance and the vehicle is registered in New Mexico the following procedure should be followed:

1. A citation will be issued to the driver for "Insurance Required".

## **VII. PRIVATE PROPERTY CRASHES**

- A. An investigation and report will be made on crashes occurring on private property in the following instances; otherwise a Self-Crash Report will be utilized.
  1. If there is injury as a result of the crash;
  2. If the motor vehicle collides with and damages a building;
  3. Enforcement will be taken when indicators are present that a person could be driving under the influence of intoxicants or reckless driving.
  4. The shift supervisor has the ultimate authority in determining what types of private property crashes require a report by an officer.
- B. Hit and run crashes on private property will be handled in the following manner.
  1. The words "Private Property" will be checked on the Self-Crash Report and all known information will be listed on the form.
- C. Nothing in this section applies to the investigation of motor vehicle crashes, which originated on public roadways and come to final position within the bounds of private property.

## **VII. FATAL CRASH INVESTIGATION**

- A. Once an officer arrives at the scene and it is determined that the crash is a fatal, the on duty supervisor will be notified along with Command Staff. If no supervisor is on duty, one will be contacted. The on duty supervisor will supervise all activities at the scene of a fatal crash. The on duty supervisor will assign officers to perform tasks relating to the crash, and make notifications to the District Attorney's Office and OMI.
  1. Once an officer arrives at the scene and it is determined that the crash is involving a fatality, the scene will be secured and treated as a crime scene.
  2. Upon arrival, the crash will be a joint investigation of

patrol, traffic crash investigator(s) and Detectives. Patrol traffic crash investigators and detectives will be responsible for the crash scene at this point and no one will be allowed into the secured scene unless requested/authorized.

3. Upon arrival of supervisors, all information that has been obtained prior to their arrival will be relayed to them.
    - a. If an officer has witness information this information will be given to the investigating officer(s).
    - b. If possible, all witnesses will be held at the scene until they can be interviewed by the investigating officer(s).
    - c. If the witness has been allowed to leave, the officer receiving the information and statement from the witness will complete a supplement with the witness' statement.
  4. The on duty supervisor or his appointee will ensure that there are enough units present at the scene to provide adequate crowd and traffic control. The scene will remain secure until released by the investigating officers.
  5. The Patrol Supervisor or his appointee will ensure that only necessary personnel are allowed into the scene.
  6. The Patrol Supervisor will be responsible for ensuring that the proper reports have been completed and submitted.
  7. In the event a crash investigator is not available, the on duty supervisor will contact New Mexico State Police or an agency with qualified investigators.
- B. The on duty supervisor has the authority to call out additional units on any crash (with or without injury) if they feel additional, units are needed.

## **VIII. COMMERCIAL TRUCK AND BUS**

- A. If a commercial truck or bus is involved in a crash, the officer shall request the New Mexico Motor Transportation Department for an inspection if available.

## **IX. CRASHES INVOLVING VILLAGE VEHICLES**

Crashes involving Village vehicles, other than police vehicles, will be investigated as previously mentioned in sections covering crashes

involving damage over \$500.00 or injury.

- A. If either the Village employee or the other party involved in the crash is issued a citation they will be cited into court for the next court date
- B. The Village employee will be responsible for completing the Damage to Village Property Report on their department vehicle.
- C. The on duty Patrol Supervisor will be immediately advised of the crash, as well as the supervisor of the Village employee involved and Safety Director will be contacted and advised of the crash.
- D. The Uniform State Crash report will be completed and a copy forwarded to the Safety Director.

#### **X. CRASHES ON VILLAGE PROPERTY**

- A. A Uniform State Crash Report will be completed on all crashes that occur on Village property.
- B. Before enforcement action is taken the investigating officer will ensure that the statute/ordinance covers Village owned property remembering that some violations can only occur on a street, highway or alley.

#### **XI. FOLLOW UP INVESTIGATIONS**

- A. If a follow-up investigation is required for a reported crash, it is the responsibility of the original investigating officer. If information is obtained by a secondary officer, that officer will complete a supplement and ensure that a copy is forwarded to the original investigating officer. Any supplemental information should be documented as soon as the information becomes known.
- B. The exception to this policy is for hit and run reports. Any follow-up investigation completed as a result of a hit and run crash shall be documented within five (5) working days. If no further information is developed during that time period, a supplemental report will be filed providing that information.

#### **XII. TRAFFIC ENGINEERING**

The Department realizes the Village of Los Lunas has access to a Traffic Engineer. This person can play an important role toward reducing traffic crashes in the Village.

### **XIII. DISTURBANCES BETWEEN INVOLVED PARTIES**

Occasionally responding officers may find involved parties of a crash engaged in a dispute. The resolution of this dispute should take precedence over the crash investigation. If necessary, additional officers should be requested in order to complete the investigation and resolve the disturbance as quickly as possible.

### **XIV. TRAFFIC DIRECTION PROCEDURES**

In furtherance of public safety, it may be necessary for an officer to manually regulate the flow of traffic around crash scenes, fire scenes, and other hazards on or near the roadway, or during special events. The purpose of manual traffic control is to insure an orderly flow of traffic, prevent congestion, and insure the safety of motorists and pedestrians.

#### **A. General Provisions**

1. Manual traffic direction is performed in emergency situations and at areas determined to be problem areas.
2. Officers actively involved in manual traffic direction shall wear issued reflective vests.
3. Uniform hand signals shall be utilized and whistle techniques may be used by officers to communicate understandable messages and directions to any driver or pedestrian on the roadway coming into or close to an area where an emergency situation, or any circumstance where officers are using manual traffic direction techniques.
  - a. Officers using manual traffic direction use open hand, stiff arm techniques for stopping traffic flow and continued traffic flow.
  - b. Officers may indicate traffic signals with whistles along with hand gestures using the following method. If whistle techniques are used a long continuous blast is used to stop approaching traffic. Two short blasts in rapid succession are used to precipitate the beginning of movement, the continuation of movement or to indicate a turning movement.

#### **B Special Events**



1. As supervisors become aware of special events such as parades, sporting events, etc., a contingency plan is prepared for traffic direction.
2. Contingency plans address the following factors:
  - a. Entry and exit of vehicular traffic
  - b. Parking facilities
  - c. Spectator control
  - d. Use of temporary traffic control devices

C. Fire Scenes

In the event of a fire or other emergency, police personnel direct traffic as conditions may require, in order to:

1. Expedite or direct traffic flow
2. Safeguard pedestrians and motorists
3. Safeguard emergency personnel, emergency operations and equipment

D. Adverse Roads and Weather Conditions

1. During periods of adverse weather and road conditions, officers provide traffic direction or assistance on an emergency basis, as needed
2. If assistance is required from other Village departments or agencies, on-call personnel for these departments are notified as soon as possible. A call list for these departments is maintained in the Communications Center allowing for 24 hours access. Officers maintain manual traffic direction until the roadway is safe for travel.

## **XV. TEMPORARY TRAFFIC CONTROL DEVICES**

- A. Temporary traffic control devices such as portable stop signs, barricades, or traffic cones may be used at locations where traffic control is required responsibility for requesting these devices rests with the person in charge of the scene.

- B. The Department has authority to place and maintain temporary traffic control devices when necessary for regulating, warning, or guiding traffic on any public roadway.
- C. In the event that circumstances warrant the manual operation of traffic control devices, the department will contact the New Mexico State Department of Transportation.
- D. In the event that the traffic control signals or arms for the railroad are not functioning or malfunctioning, the department will contact BNSF Railway 864-5576

## **XVI. EMERGENCY ESCORTS**

- A. Officers of this Department will not escort any vehicles, including ambulances, on an emergency Code 3.
- B. Officers will not block intersections for any vehicles, including ambulances, traveling Code 3.
- C. Officers will not transport any victims of sickness or injury in a police unit unless authorized by the shift supervisor in consideration of existing conditions, gravity of the situation, and nature of the emergency. Ambulance service will be called for persons in need of medical treatment. There may be times when exigent circumstances exist, not allowing officers to obtain supervisor approval prior to transporting victims of sickness or injury in units. In these instances, officers may use their discretion when deciding to transport these victims.

## **XVII. FUNERAL ESCORTS**

All funeral procession escorts must be approved by the chief or police of his designee. All such requests must be made at least twenty four hours in advance.

- A. Upon arrival at the funeral, contact the director or agent to confirm which cemetery is being used.
- B. Upon contact with the agent remind them if they approach an unprotected controlled intersection to stop and wait for the police escort.
- C. When the casket is moved from the building to the hearse, officers will stand at 'parade rest'.
- D. Two methods of escorts are approved prior to leaving the funeral

home/church, officers should decide which one will be utilized

1. Relief: A unit holds an intersection until the following unit catches up and relieves him. The first unit then moves on to the next intersection.
  2. Leapfrog: A unit holds an intersection and remains there while secondary units come by them going to the next intersection. This requires that the unit allow room for the secondary units to pass.
- E. No officer of the Los Lunas Police Department shall exceed the posted speed limit while escorting a funeral.
- F. No officer shall drive in any manner so as to endanger the public while on escort duty.
- G. No officer shall leave any intersection which is controlled by a stop sign or traffic signal unprotected

#### **XVIII. MOTORIST ASSISTANCE**

This order has been established to provide guidelines for providing general assistance to all persons utilizing highways and public thoroughfares. This includes giving information and direction, assisting motorists with stranded vehicles, taking action on highway hazards and dealing with hazardous materials. The intent of this order is to assist in providing for the safe and efficient flow of traffic and to ensure the public safety.

- A. The Los Lunas Police Department does not respond to calls for motorist assists if the complaint is that keys are locked in vehicles or they can't start them. The only exception to this is if exigent circumstances exist (ie, small child locked inside). Motorists will be advised they should seek assistance through other means (i.e., locksmith, private company, family, etc.).
- B. The Los Lunas Police Department will contact a towing service for a stranded motorist. The motorists need to be told that this service will be paid for by them, the Village does not pay the cost. The towing service utilized should be at the choice of the requestor. If the vehicle is a traffic hazard, the officer should stand by until arrival of the towing service.

#### **XIX. HIGHWAY HAZARDS**

At any time when one of the below hazards exists, the officer shall request Communications personnel to notify the proper agency. The Patrol Officer needs to advise Communications personnel whether this hazard needs to be taken care of immediately or can wait until the beginning of the next business day. After hours call-out of Village of Los Lunas personnel must be approved by a supervisor prior to call-out.

- A. Traffic light in need of repair (this includes light out or not working properly);
- B. Traffic control device down (i.e., stop sign, yield sign, school crossing, etc.)
- C. Electrical power lines;
- D. Large debris in roadway (if after hours, try to remove to side of road if possible);
- E. Breaks in water, gas or other utility mains;
- F. Snow/Ice on roadway (to determine the need for some type of service);
- G. Fire hazards needing attention;
- H. Defects in the roadway;
- I. Street light(s) out;
- J. Dead animals/injured animals.

## **XX. EMERGENCY ASSISTANCE**

- A. First Aid
  - 1. In emergency medical situations, department personnel shall normally render only that degree of care necessary to sustain life, prevent or control shock, and/or prevent further harm based on each officer's level of training and abilities.
  - 2. If first aid is necessary, the officer should radio for an ambulance to respond while rendering first aid.
- B. Fires
  - 1. The primary responsibility of the Los Lunas Police

Department in responding to a fire call is the protection of life, traffic control and crowd control. In responding to a fire call, officers should be cognizant of where the fire is in relation to intersections, potential use of fire hydrants and fire lines in the roadway and should park accordingly.

2. Members of the Los Lunas Police Department have not been trained in firefighting and do not carry the necessary equipment, aside from a small chemical extinguisher. Before attempting to fight a fire, officers should consider the safety hazards and potential for injury.

## **XXI. HAZARDOUS MATERIALS**

Hazardous Materials are defined as those substances, which in quantity or form, constitute an unreasonable risk to the health and welfare of the public. They fall into the categories of gases, liquids, explosives, oxidizers, solids, corrosives, poisons, and radioactive materials.

The primary responsibility of the Los Lunas Police Department at the scene of a Hazardous Material spill is containment, evacuation and/or crowd control.

### Duties of Dispatched Officer:

- A. From a safe distance, assess the situation, then request Communications personnel contact the Los Lunas Fire Department. They, in turn, will contact any other appropriate personnel.
- B. Notify the on-duty supervisor of the situation.
- C. Establish a safe perimeter around the scene using additional units as necessary.

### Duties of Shift Supervisor:

- A. Confer with the appropriate Fire Department personnel regarding evacuation of the area and establishment of a safe perimeter.
- B. Notify the Lieutenant.
- C. Ensure that involvement of police personnel within a contaminated area is minimized.

## **XXII. ARREST**

The Department encourages officers to enforce Driving While Under the Influence of Intoxicating Liquor or Drug statutes in order to remove persons suspected of driving under the influence of alcohol, or other substances, from public places. The procedures are intended to serve as guidelines in D.W.I. Enforcement.

Officers suspecting that the driver of a motor vehicle is under the influence of alcohol or other substance may take the following actions:

A. Routine Traffic

1. Observe the suspect's driving behavior for a safe distance to determine reasonable suspicion or probable cause to stop the vehicle.
2. Stop the vehicle at a safe location for the protection of the suspect, officer, and any vehicular traffic.
3. Observe the suspect to determine if he might be under the influence. Once this is determined, request that the suspect take sobriety tests, which are described in the next section.
4. When it is determined that the person may be intoxicated, the suspect should be placed under arrest.
5. The suspect's vehicle shall be towed, following the department policy. The vehicle may be released to a responsible person at the officer's discretion.
6. Transport the suspect to the Los Lunas Police Department for booking and a breath/blood test.
7. Advise the suspect of the Implied Consent Act, and request him/her to give a sample of his breath, blood, or both. If the suspect refuses, inform him of the consequences of refusing. If a substance, other than alcohol is suspected, a Drug Influence Evaluation should be attempted by a Certified Drug Recognition Expert (DRE).

B. Crash Investigations

If there is probable cause that a driver involved in a crash is intoxicated, the same procedures apply as above with the following exceptions:

1. If injuries sustained in the crash are fatal, life-threatening or may result in great bodily harm, the district attorney's office will be contacted via telephone for consultation prior to any charges being filed.

### **XXIII. SOBRIETY TEST:**

Standard Field Sobriety Tests (SFST's) shall be administered unless medical/age impairment exists. Alternative sobriety tests will be administered if SFST's are not appropriate.

### **XXIV. REQUIRED PAPERWORK FOR DWI ARRESTS**

- A. Arrest Report: An arrest report will be completed on each DWI arrest. The narrative section of the report should provide in detail the series of events that lead to the subject's arrest for DWI.
- B. DWI Citation: A DWI Citation and Officer's Statement, on a form approved by the State, will be completed on each DWI arrest.
- C. Criminal Complaint: A Criminal Complaint~~—~~will be completed on each DWI arrest and submitted to Magistrate Court. If this is a second or subsequent arrest, it must be annotated on the Criminal Complaint.
- D. Intoxilyzer Report: A copy is given to the suspect, a copy is attached to the MVD paperwork and a copy is attached to the arrest report and forwarded to Records division.
- E. Blood Kit Report: A Blood Kit Report, on a form approved by the State, will be completed on any DWI arrest where a sample of blood is drawn in addition to, or instead of, a breath sample.
- F. If the subject has a valid, current New Mexico Driver's License in their possession, and the BAC was over .08 for drivers 21 years of age or older (.02 for drivers under the age of 21), or if the test is refused, the driver's license will be confiscated. The 'Notice of Revocation' will be provided to the offender.

### **XXV. BREATH TESTING INSTRUMENT OPERATION**

- A. Only officers that are certified to operate the breath testing instrument will perform any tests on subjects arrested for DWI.
- B. The subjects will be informed of the Implied Consent Act and a 20 minute deprivation period will be observed with no

substances in their mouth. The officer should document in their narratives the time the deprivation period started and ended along with what time piece was used when noting the times.

- C. After the deprivation period time has expired, the subject will be requested to provide a sample of his breath, blood, or both. If the subject refuses, he will be advised of the consequences for refusing to submit to chemical testing of his breath, blood or both.
- D. If the subject agrees to provide a breath sample, the certified operator of the breath testing instrument will conduct the test in accordance with the rules and regulations established by the New Mexico Department of Health.
- E. After testing is completed, the subject will be provided with a copy of his results as soon as they are available to the officer.
- F. Officers will ensure that the required information is recorded in the Intoxilyzer Log Book.

## **XXVI. BLOOD TESTING**

- A. If a subjects B.A.C. is low, and in the officer's opinion is not consistent with his/her apparent level of intoxication, the officer may choose to complete a blood test also to test for drugs.
- B. If the subject sustained injuries as a result of the crash and in all likelihood will not be able to perform a breath test, A Drug Influence Evaluation should be attempted by a Certified Drug Recognition Expert (DRE).
- C. If a blood test is requested, the person will be transported to a medical facility as needed and a blood kit approved by the New Mexico Department of Health shall be used. The process of withdrawing blood will be conducted in accordance with New Mexico statutes.
- D. When a blood test is used, the Notice of Revocation will not be forwarded to MVD but will be maintained in the approved location until the results are returned from the blood test. Once they have been received, the arresting officer should place a copy of the Notice of Revocation and the original test results in the Record's basket to be filed in the subject's arrest file.
- E. Once the subject has submitted to a test(s) of our choosing, they



may request a test of their own for independent testing. If a blood test is requested, the following procedures will be used:

1. The subject will be allowed to contact a physician or nurse of his/her choosing by phone to make arrangements to meet to draw the blood.
2. A standard blood kit approved by the state will be used regardless of whom draws the blood.
3. Once the blood is collected, the arresting officer will complete an evidence form and a letter to the independent laboratory (kept in the same location as blood kits) attach them to the blood sample and place in the designated location. The evidence technician will be called out so the blood sample can immediately be refrigerated.
4. The arresting officer will complete and provide the suspect a copy of the evidence form as a receipt for the blood. The officer will advise the subject of their responsibility to advise the Department which independent laboratory they wish the sample to be sent to.
5. The blood sample will be maintained in evidence at the Los Lunas Police Department for a minimum of 90 days. At the conclusion of that 90 day period, the arresting officer will obtain a disposition on the case.
  - a. If there has been a conviction and sentence has been imposed, the blood sample will be maintained for another 30 days following the sentencing date. Following this 30 day period, if an appeal has not been filed the blood sample will be destroyed. If an appeal has been filed, the sample will be maintained until a final disposition is determined.
  - b. If no disposition is available after the 90 day period the sample will be maintained until a final disposition is determined.

## **XXVII. ENFORCEMENT CHECKPOINTS**

Enforcement checkpoints are an established for the purpose of identifying persons who may be operating motor vehicles while under the influence of intoxicating liquor or drugs and/or to verify a drivers

current license status, vehicle registration and proof of insurance. They serve as a means of deterrence and public education and have withstood constitutional scrutiny when properly implemented. Authorization shall be granted by the Chief of Police or his designee after an operational plan is submitted which meets the requirements set forth in State v Bettencourt, as well as this policy.

#### A. GUIDELINES FOR SOBRIETY CHECKPOINTS

##### A. Role of supervisory personnel:

- a. The Checkpoint shall have a supervisor overseeing the operation. The supervisor will be responsible for completing and submitting an operational plan to the Chief of Police or his designee through the chain of command. The operational plan shall meet the guidelines set forth in State v Bettencourt. The checkpoint supervisor will ensure an operational briefing is conducted prior to the initiation of the checkpoint detail.

##### B. Restrictions

- a. No random stopping of vehicles should occur. A decision shall be made to stop every vehicle, or some other formula shall be used such as stopping every 3rd vehicle. All motorists will be dealt with the same. A script which must be followed shall be provided to all officers on the Checkpoint detail. The supervisor of the detail has the authority to deviate from this should the need arise (i.e. the approach of emergency vehicles, unreasonable delay due to traffic congestion). Should the need arise, the supervisor will document the time and number of vehicles which were allowed to pass through the Checkpoint and include this in the after action report.

##### C. Safety:

- a. The safety of the motoring public and the field officer should also be given proper consideration. Safety measures aimed at warning approaching traffic, the degree to which the roadblock causes traffic congestion and whether the roadblock is set up on such a way so as to put the motoring public and officers in unnecessary peril. The Manual on Uniform Traffic Control Devices should be used as a guideline when setting up warning devices.

##### D. Reasonable Location:

a. The following criteria shall be considered when selecting a checkpoint site:

1. The number of fatal crashes
2. The number of DWI arrests
3. The number of alcohol or drug related crashes and/or incidents
4. The number of citations issued for lack of driver's license, registration and proof of insurance

The operational plan will include the aforementioned statistics

b. The supervisor shall not select a location with the specific intent of targeting a particular ethnic group.

E. Time and duration:

a. This factor also bears on the intrusiveness and effectiveness of the roadblock. Reasonableness is the standard.

F. Indicia of official nature of the roadblock:

a. The official nature of the roadblock should be immediately apparent. Officers in the field should be uniformed; police cars should be marked; and warning or stop signs, flares and pylons are advisable. The roadblock scene should strike an appropriate balance to provide for high visibility at the roadblock, yet minimize the potential fear and apprehension to the public. In addition to being important for safety reasons, these indicia will reassure motorists that the stop is duly authorized.

G. Length and nature of detention:

a. The average length of time that a motorist is detained at the roadblock and the degree of intrusiveness should be minimized. This will avoid lengthy delays and traffic congestion. Initially, motorists should be detained only long enough to be informed of the purpose of the stop. Where facts within the observation of the officer warrant further investigation, the suspected motorists should be asked to pull

into a separate testing area so as not to unreasonably inhibit the flow of traffic

H. Advance publicity:

- a. The deterrence value of any roadblock and its reasonableness for sobriety checks will be enhanced if given widespread publicity.

B. SITE SELECTION AND SAFETY CONSIDERATIONS

1. General:

- a. Selection of enforcement checkpoint sites must consider the safety of the public and all Los Lunas Police personnel involved in the operation. Locations selected must have maximum visibility to traffic from both directions with adequate safety lighting. In addition, sufficient adjoining space must be available to pull the suspect's vehicle off the roadway for further inquiry and testing if reasonable suspicion of criminal activity is developed. Alternate sites will be selected in the event that primary areas are unavailable. In order to conduct an enforcement checkpoint. The Decision to set up an enforcement checkpoint, the selection of the site, and the procedures for conducting it must be and approved by the chief of police or his designee prior to each occasion.
- b. To insure maximum safety precautions for the public and enforcement personnel, a sufficient number of warning signs, portable lights, traffic cones, and police cars with warning lights flashing should be utilized.

C. NOTICE TO PUBLIC/MEDIA

The public that precedes this operation serves to educate and inform the public of our enforcement efforts. Advance notice to the public must be made. The specific media utilized should depend on local availability. There should be some statewide media exposure with this plan.

D. OPERATIONAL PROCEDURE

1. Officers participating in enforcement checkpoints will have a firm understanding of the operational plan assigned to

that checkpoint. This will be accomplished through an Operational Briefing conducted prior to the evolution.

2. The driver of a vehicle should be made aware of the reason for the stop. The script will be given to all officers during the Operational Briefing.
3. \_\_\_\_\_ A driver will be allowed to continue after the initial stop unless the officer develops reasonable suspicion.
4. \_\_\_\_\_ All 'line' or 'contact' officers will wear Department issued Audio/Video equipment. The Audio/Video equipment will be activated as soon the contact officer begins to develop reasonable suspicion of criminal activity or in the event the driver or passengers of the stopped vehicle begin to delay the interaction (ie. belligerent or non-compliant subjects).
5. \_\_\_\_\_ Officers on secondary will have Audio/Video equipment activated for all contacts with citizens in the secondary zone, as required per OPR.01.01.D
6. Upon completion of a checkpoint operation, or soon thereafter, the supervisor will note the checkpoint activity and he or she will forward the reports to the Traffic Safety Grants Administrator. No deviations of these procedures are allowed without the express permission of the field supervisor.

## **XXVIII. TOWED VEHICLES**

### **A. Statement of purpose**

The procedures outlined in this order are intended to guide officers in making decisions to tow vehicles.

### **B. Wrecker Service**

Requests for wrecker service by any member of this department acting in an official capacity of the Village shall be restricted to the wrecker on call in accordance with the wrecker rotation schedule unless the owner or operator of the vehicle to be towed request a wrecker from a specific company.

### **C. When vehicles may be towed:**

If feasible, in all cases the vehicle will be secured, parked and left

at the scene, however the responding or arresting officer shall have the authority to remove any vehicle from any location within the Village, when:

- A. Such vehicle has been found to be in violation of any Village ordinance, which requires the towing and removal of such vehicle.
- B. The driver of the vehicle has been found to be incapacitated by the use of alcohol or drugs and the driver is arrested, and the vehicle cannot be secured, parked, and left at the scene.
- C. The vehicle is abandoned, wrecked, or vandalized, or it is parked in such a manner as to cause a traffic hazard.
- D. Owner/operator options

The owner/operator of a vehicle may select a wrecker of his/her choice or to release his vehicle to a qualified driver present at the scene to legally park the car.

- 1. The owner/operator of the vehicle may exercise one of the above options, following a determination by the arresting officer that the suspect is capable of making a rational decision, the suspect is physically able, and the vehicle is not needed as evidence of a crime.
- 2. The arresting officer will explain to the suspect that the Los Lunas Police Department is not responsible for the vehicle or its contents once the vehicle has been legally parked and secured.

E. Towing Requirements

General:

- 1. Members or employees will not request wrecker service for vehicles abandoned on private property unless such vehicle is needed for evidence purposes involving a criminal offense.
- 2. The officer who authorizes the towing of a vehicle for any reason will complete a towing report and include the towing information in the offense report, which must be

written to describe the incident precipitating the towing.

F. Inventory upon impound (Refer to OPR.07.02)

An inventory will be made of the property in a vehicle to be towed.

G. Vehicles involved in crashes

Vehicles involved in crashes will be towed when:

1. The driver/owner has been taken from the scene due to injuries or illness and the vehicle cannot be released to a qualified driver nor legally parked.
2. The vehicle is causing a traffic obstruction and cannot be driven from the scene because of damage, or it is inoperable.
3. The driver/owner requests a wrecker.
4. The vehicle is needed for evidence of a crime.
5. The driver has been arrested for Driving While Intoxicated and the car cannot be released to a qualified driver nor legally parked.
6. If the owner of a recovered stolen vehicle cannot be contacted.
7. The vehicle requires further examination as a result of a fatal or serious injury accident.

If the vehicle is left at the scene, the location of the vehicle will be included in the offense report. The vehicle keys, along with a note indicating the location of the vehicle, will be placed in the driver's personal property

H. Vehicles towed for evidentiary purposes

1. Vehicles will not be towed to the police station to be processed for evidence unless requested by Investigators.
2. Vehicles towed, as evidence will have a hold placed on them by the towing officer. Vehicles to be processed by investigators will be towed by requested wrecker.

I. Vehicles belonging to the victims of crime which need to be processed for evidentiary purposes:

1. Shall be processed at the scene whenever practical.
2. Shall be towed, if necessary by requested wrecker whenever possible.
3. The Department shall withstand expenses incurred in towing any victim's car needed for evidentiary purposes to the police station only; that is, the Department shall not pay for the commercial wrecker used to tow the victim's car away from the police station after the processing.
4. May be stored if protection from the elements is required.

J. Vehicles believed to be abandoned

Upon observing a possible abandoned vehicle:

1. Make stolen vehicle inquiry.
2. Check if vehicle is violating parking restrictions.
3. Obtain a license plate reading and attempt to contact the owner and have him remove the vehicle.
4. If the owner cannot be contacted or refuses to move the vehicle, a police report will be made and referred to Village code enforcement officers.
5. The officer requesting the wrecker will be responsible for attempting to contact the owner of the vehicle prior to the tow.
6. Motorcycles with altered, mutilated or no vehicle identification numbers are to be towed in the same manner as other motor vehicles.

K. Vehicle holds

1. Officers will only place holds on vehicles under the following circumstances:
  - a) The vehicle has been impounded lawfully and the owner or operator cannot produce satisfactory proof of ownership. In this case, the impounding officer will write on the impound form "Hold for proof of ownership." The officer will authorize



the wrecker service to release the vehicle upon production of satisfactory proof of ownership.

- b) The vehicle has been impounded for evidentiary purposes and the officer or detectives anticipate obtaining a warrant for the vehicle. In this case, a search warrant must be obtained in a timely manner. After execution of the warrant, the officer or detective shall release the vehicle if it is no longer needed as evidence.
  - c) In cases where the vehicle is subject to forfeiture under New Mexico Law, the vehicle shall be impounded and a hold placed on the vehicle under forfeiture proceedings can take place.
2. Anytime a hold is placed on a vehicle the officer or detective placing the hold on the vehicle must:
- a) Obtain approval from a supervisor.
  - b) Document in a police report the reason for the hold.
  - c) If a hold remains in effect for longer than a week, the officer or detective will provide constant updates to his/ her supervisor in a timeframe to be determined by the officers supervisor and will document in a supplemental police report the reason for the continuation of the hold.
  - d) If a vehicle is considered to evidence that requires storage until the trial, that vehicle will be stored at the departments secure storage yard until it is determined that the vehicle can be released. Vehicles stored at the departments secure yard are exempt for constant supervisory updates. (Section K2 added 03/02/2016)